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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHELLE WILSON, *et al.*,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,

Defendant.

Case No. 2:17-cv-02863-APG-VCF

**UNOPPOSED MOTION TO
CONTINUE SETTLEMENT
CONFERENCE DUE TO LAPSE OF
APPROPRIATIONS**

The United States respectfully requests that the Court continue the settlement conference scheduled in this matter on **January 11, 2019**, due to the lapse in appropriations (partial government shutdown) and respectfully requests that it be re-scheduled after the partial government shutdown is resolved. Plaintiffs do not oppose this request. The reasons for this request are as follows:

1. At midnight on December 21, 2018, the continuing resolution that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation or continuing resolution, Executive Branch employees are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342. The instant lawsuit does not appear to meet such criteria because it is a tort claim arising out of alleged medical malpractice. The lapse in appropriations also prevents the United States Attorney’s Office from consulting with agency and Department officials who have authority settle in this case.

1 3. On September 25, 2018, the Court stayed this case so the parties could
2 participate in a settlement conference. ECF No. 15.

3 4. This Court scheduled a settlement conference on **January 11, 2019**. ECF
4 No. 23. However, due to the partial government shutdown, Department employees cannot
5 meaningfully participate in the settlement conference.

6 5. Accordingly, the United States respectfully requests that the Court continue
7 the settlement conference until after the partial government shutdown concludes.

8 6. Defendant will notify Plaintiff and the Court as soon as Congress has
9 appropriated funds for the Department or enacted another continuing resolution and
10 undersigned counsel can resume usual civil litigation duties.

11 Therefore, although we greatly regret any disruption caused to the Court and the
12 other litigants, Defendant hereby moves to continue the settlement conference until
13 Department employees are permitted to resume their usual civil litigation functions.

14 Respectfully submitted this 4th day of January 2019.

15 DAYLE ELIESON
16 United States Attorney

17 /s/ Troy K. Flake
18 TROY K. FLAKE
19 Assistant United States Attorney

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22 IT IS HEREBY ORDERED
23 that the settlement
24 conference scheduled for
25 January 11, 2019, is
26 VACATED and will be
27 rescheduled at a later date.
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IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: 1-4-2019

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/s/ Troy K. Flake
TROY K. FLAKE
Assistant United States Attorney